

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-00820-JMF**

Natural Resources Defense Council, Inc. v. U.S. Department of Transportation

Assigned to: Judge Jesse M. Furman

Cause: 05:552 Freedom of Information Act

Date Filed: 01/28/2019

Jury Demand: None

Nature of Suit: 895 Freedom of

Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

Natural Resources Defense Council, Inc.

represented by **Gabriel Jackson Daly**
Natural Resources Defense Council
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ATTORNEY TO BE NOTICED

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V.

Defendant

U.S. Department of Transportation

represented by **Talia Kraemer**
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LEAD ATTORNEY
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Date Filed	#	Docket Text
01/28/2019	<u>1</u>	COMPLAINT against U.S. Department of Transportation. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16254326) Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit Attachment A – NRDC FOIA Request, # <u>2</u> Exhibit Attachment B – DOT Initial Acknowledgment)(Marks, Nancy) (Entered: 01/28/2019)
01/28/2019	<u>2</u>	REQUEST FOR ISSUANCE OF SUMMONS as to U.S. Department of Transportation, re: <u>1</u> Complaint.. Document filed by Natural Resources Defense Council, Inc.. (Marks, Nancy) (Entered: 01/28/2019)
01/28/2019	<u>3</u>	FILING ERROR – PDF ERROR – CIVIL COVER SHEET filed. (Marks, Nancy) Modified on 1/29/2019 (pne). (Entered: 01/28/2019)
01/28/2019	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Natural Resources Defense Council, Inc..(Marks, Nancy) (Entered: 01/28/2019)

01/29/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Jesse M. Furman. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pne) (Entered: 01/29/2019)
01/29/2019		Magistrate Judge Barbara C. Moses is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pne) (Entered: 01/29/2019)
01/29/2019		Case Designated ECF. (pne) (Entered: 01/29/2019)
01/29/2019	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to U.S. Department of Transportation. (pne) (Entered: 01/29/2019)
01/29/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT CIVIL COVER SHEET. Notice to attorney Nancy Sharman Marks to RE–FILE Document No. <u>3</u> Civil Cover Sheet. The filing is deficient for the following reason(s): the civil cover sheet was not signed. Re–file the document using the event type Civil Cover Sheet found under the event list Other Documents and attach the correct PDF. Use civil cover sheet issued by S.D.N.Y. dated June 2017. The S.D.N.Y. Civil Cover Sheet dated June 2017 is located at http://nysd.uscourts.gov/file/forms/civil–cover–sheet.. (pne) (Entered: 01/29/2019)
01/29/2019	<u>6</u>	CIVIL COVER SHEET filed. (Marks, Nancy) (Entered: 01/29/2019)
01/29/2019	<u>7</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 5/13/2019 at 03:00 PM in Courtroom 1105, 40 Centre Street, New York, NY 10007 before Judge Jesse M. Furman. (As further set forth in this order) (Signed by Judge Jesse M. Furman on 1/29/2019) (ne) (Entered: 01/29/2019)
02/11/2019	<u>8</u>	CERTIFICATE OF SERVICE of Summons and Complaint,. U.S. Department of Transportation served on 2/4/2019, answer due 2/25/2019. Service was made by MAIL. Document filed by Natural Resources Defense Council, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C)(Marks, Nancy) (Entered: 02/11/2019)
03/06/2019	<u>9</u>	NOTICE OF APPEARANCE by Talia Kraemer on behalf of U.S. Department of Transportation. (Kraemer, Talia) (Entered: 03/06/2019)
03/06/2019	<u>10</u>	ANSWER to <u>1</u> Complaint,. Document filed by U.S. Department of Transportation.(Kraemer, Talia) (Entered: 03/06/2019)
03/26/2019	<u>11</u>	NOTICE OF APPEARANCE by Gabriel Jackson Daly on behalf of Natural Resources Defense Council, Inc.. (Daly, Gabriel) (Entered: 03/26/2019)
05/09/2019	<u>12</u>	JOINT LETTER addressed to Judge Jesse M. Furman from Talia Kraemer dated May 9, 2019 re: Initial Pretrial Conference. Document filed by U.S. Department of Transportation.(Kraemer, Talia) (Entered: 05/09/2019)
05/13/2019		Minute Entry for proceedings held before Judge Jesse M. Furman: Initial Pretrial Conference held on 5/13/2019. Gabe Daly and Nancy Marks present for Plaintiff. Talia Kraemer present for Defendant. (ab) (Entered: 05/13/2019)
05/16/2019	<u>13</u>	PROPOSED SCHEDULING ORDER. Document filed by Natural Resources Defense Council, Inc.. (Daly, Gabriel) (Entered: 05/16/2019)
05/17/2019	<u>14</u>	STIPULATION AND ORDER REGARDING DOCUMENT PRODUCTION BY DEFENDANT: NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff and Defendant as follows: 1. Defendant will review and process approximately 1500 to 2000 pages of potentially responsive documents by June 15, 2019, and by each monthly deadline thereafter. 2. Defendant will make good–faith efforts to prioritize its review and production of documents according to the schedule of custodians set out in Exhibit A. (And as further set forth in this Order). SO ORDERED. (Signed by Judge Jesse M. Furman on 5/17/2019) (jca) (Entered: 05/17/2019)

		05/17/2019)
11/13/2019	<u>15</u>	<p>CONSENT LETTER MOTION for Extension of Time <i>to Complete FOIA Production and for Entry of Revised Stipulation and Proposed Order</i> addressed to Judge Jesse M. Furman from Talia Kraemer dated Nov. 13, 2019. Document filed by U.S. Department of Transportation. (Attachments: # <u>1</u> Text of Proposed Order)(Kraemer, Talia) (Entered: 11/13/2019)</p>
11/14/2019	<u>16</u>	<p>REVISED STIPULATION AND ORDER REGARDING DOCUMENT PRODUCTION BY DEFENDANT, IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff and Defendant as follows: Beginning November 22, 2019, Defendant will review and process approximately 3,000 to 3,500 pages of potentially responsive documents per month. Defendant will produce any non-exempt documents responsive to Plaintiff's FOIA request by the 22nd of each month or the first business day thereafter, with the first production after November 22, 2019, to be completed by December 23, 2019. No later than April 22, 2020, Defendant will complete its production of nonexempt documents responsive to Plaintiff's FOIA request. Following the completion of production of non-exempt documents, Plaintiff and Defendant will promptly meet and confer. Within 10 days of Defendant completing its production, the parties will submit a status report to the Court. In the status report, the parties will identify a schedule either for resolving any outstanding issues consensually or for summary judgment briefing. By entering into this Stipulation and Order, Plaintiff does not waive any right to file a motion opposing Defendant's complete or partial withholding of responsive documents pursuant to any FOIA exemption. The Clerk of Court is directed to terminate Docket No. 15. SO ORDERED. Motions terminated: <u>15</u> CONSENT LETTER MOTION for Extension of Time <i>to Complete FOIA Production and for Entry of Revised Stipulation and Proposed Order</i> addressed to Judge Jesse M. Furman from Talia Kraemer dated Nov. 13, 2019. filed by U.S. Department of Transportation. (Signed by Judge Jesse M. Furman on 11/14/19) (yv) (Entered: 11/14/2019)</p>